

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

LIFE INSURANCE COMPANY OF	)	
NORTH AMERICA,	)	
	)	
Plaintiff,	)	Case No. 08 CV 00963
	)	
v.	)	Judge Samuel Der-Yeghiayan
	)	
DEBRA A. BROWNING and	)	
THERESA A. SCIMECA (Individually	)	
and as Guardian of her minor child,	)	
CODY BROWNING,	)	
	)	
Defendants.	)	

**JOINT MOTION TO VOLUNTARILY DISMISS COUNTERCLAIMS AND FOR  
LEAVE TO DEPOSIT STAKE, DISCHARGE AND PERMANENT INJUNCTION**

NOW COMES the parties, through their respective counsel, stating as follows:

1. Life Insurance Company of North American (“LINA”) filed its Amended Complaint for Interpleader and Other Relief on March 3, 2008.
2. Each of the defendants have appeared and have answered the Amended Complaint. Scimeca, individually and as Cody’s guardian, and Debra Browning, filed counterclaims against LINA.
3. Pursuant to Fed. R. Civ. P 41(a)(1), the defendants hereby stipulate and agree to dismiss their counterclaims against LINE with prejudice and with each of the parties to bear their own fees and costs with respect to such counterclaims.
4. The parties agree that the insurance proceeds arising under Group Policy Number FLX 960387 (“Policy”) as a result of the death of Jack Browning are \$77,100 (the “Proceeds”).
5. By deposit of the Proceeds with the Court Registry, to be disbursed following judicial determination of entitlement among the defendant-claimants herein, LINA will have satisfied all of its obligations under the Policy in connection with the death of Jack Browning and

should be discharged from all further liability. (A proposed agreed order is attached hereto as Exhibit A).

6. LINA has agreed to forego pursuing any recovery of the attorneys' fees incurred in connection with this Action.

WHEREFORE, the parties respectfully requests that the Court enter an Order, as follows:

- a. The counterclaims of the defendants against Life Insurance Company of North American ("LINA") are hereby voluntarily dismissed with prejudice and each party shall bear their own fees and costs with respect to such counterclaims;
- b. LINA is granted leave to deposit with the Registry of the Court the stake of \$77,100 ("Proceeds");
- c. Subject to and conditioned upon its deposit of the Proceeds, LINA is discharged from any and all liability in this cause and from any and all liability with respect to Policy Number FLX 960387 (the "Policy") as it relates to the death of Jack Browning ("Decedent") and from any and all liability to all parties in this cause and all persons and entities in privity with or claiming through any such party any rights arising under the Policy giving rise to this interpleader action;
- d. All parties hereto and parties in privity with or claiming they are such parties are permanently enjoined, pursuant to 28 USC §2361, from making demand or instituting and prosecuting any other proceeding against LINA in any court, Federal or State, for the recovery of all or any part of the proceeds of the Policy relative to the death of Decedent;
- e. The Court retains jurisdiction of this cause for the determination of the rights of the respective claimant-defendants in and to the Proceeds; and
- f. LINA's claim(s), including its claim for attorneys' fees, are voluntarily dismissed with prejudice, and LINA is hereby dismissed from this Action.

**LIFE INSURANCE COMPANY OF NORTH AMERICA**

By: /s/ Adam L. Saper  
One of Its Attorneys

Daniel K. Ryan  
Adam L. Saper  
HINSHAW & CULBERTSON  
222 North LaSalle Street, Suite 300  
Chicago, Illinois 60601  
(312) 704-3000.Office

**THERESA SCIMECA, individually and as guardian of Cody Browning**

By: /s/ Theresa Scimeca  
One of Her Attorneys

Mitchell S. Feinberg  
30 South Wacker Drive  
26th Floor  
Chicago, Illinois 60606  
Telephone: (312) 444-9300  
Facsimile: (312) 444-9027

**DEBRA BROWNING**

By: /s/ Debra Browning  
One of Her Attorneys

Bradley H. Foreman  
6914 West North Avenue  
Chicago, Illinois 60707-4413  
Tel 773.622.4800  
Fax 773.622.4873  
E-Mail: brad@bradleyforeman.com

STATE OF ILLINOIS       )  
                                      ) SS  
COUNTY OF COOK       )

**CERTIFICATE OF SERVICE (ECF)**

I, the undersigned, a non-attorney on oath, state that I filed the above and foregoing *Joint Motion to Voluntarily Dismiss Counterclaims and for Leave to Deposit Stake, Discharge and Permanent Injunction*, via the United States District Court for the Northern District of Illinois' electronic filing system (ECF) on the 1st day of April, 2008, and will make copies of the documents available to the following counsel(s) of record on April 2, 2008:

Mr. Bradley H. Foreman  
Law Offices of Bradley H. Foreman, P.C.  
6914 W. North Avenue  
Chicago, Illinois 60707

Mitchell Scot Feinberg  
Chuhak & Tecson, P.C.  
30 South Wacker Drive  
Suite 2600  
Chicago, Illinois 60606-7413

/s/ Cheree A. Woods  
Cheree A. Woods